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March 19, 2025

VIA ECF

Hon. Alvin K. Hellerstein
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: United States v. Charlie Javice and Olivier Amar, 23 Cr. 251 (AKH)

Dear Judge Hellerstein:

Ms. Javice opposes Mr. Amar's motion (ECF No. 340) to admit GX 802-22, a Slack chat from July 7, 2021 involving Mr. Amar, Charlie Javice, and Matt Glazer. The jury has heard ample evidence that GX 3.1.8 is evidence of a mistake in the document's title that was corrected by Frank, and relayed to both Capital One and JP Morgan & Chase. *See* GX 1747; GX 1691.

Mr. Amar's desire to admit this exhibit exemplifies his antagonistic defense. Ms. Javice believes that Mr. Amar intends to use this exhibit to argue in closing that Ms. Javice refused to correct this alleged mislabel until July 13, 2025, even though he first received the inadvertent, alleged mislabel when it was sent to LionTree on June 25, 2025. *See* GX 1691; GX 3017; 3/13/2025 Tr. 2177:1-2178:6. This insinuation is not only extremely prejudicial, but also factually inaccurate. Indeed, on July 13, Ms. Javice informs LionTree: "*We* flagged this issue last week." GX 3045 (emphasis added). The Court should exclude GX 802-22 under Rule 403 for being unduly prejudicial toward Ms. Javice, misleading, and cumulative of the evidence already in the record concerning 3.1.8, the testimony concerning the alleged mislabel, and the testimony concerning the corrections. *See* 2/21/2025 Tr. 194:11-195:16; 2/25/2025 Tr. 280:25-281:10; 2/27/2025 Tr. 747:8-25. Additionally, Mr. Amar should be precluded from making this argument in front of the jury under Rule 403.

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Respectfully submitted,

/s/ Kirsten R. Nelson

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cc: All Counsel of Record